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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,490	12/06/2005	Sarah Alice London	LONDON-PCT-US-1	8692

7590  
OBER / KALER  
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120 East Baltimore Street  
Baltimore, MD 21202

EXAMINER
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HOEY, ALISSA L

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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04/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,490	<b>Applicant(s)</b> LONDON, SARAH ALICE	
	<b>Examiner</b> Alissa L. Hoey	<b>Art Unit</b> 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/26/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 02/26/08 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation/abstract for foreign references: CN 21675434 and DE 86 19 760.6. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Objections***

2. Claims 33 and 37 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim they dependent upon claims that depend upon one of more claims. See MPEP § 608.01(n). Accordingly, the claim\*\*\* not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3765

4. Claims 29, 30, 33, 34, 36, 37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackman (US 1,299,818).

Blackman teaches the following:

29 (New). A hood (12) for protecting the head of a user, said hood comprising: a flexible skin for providing protection for the user's head (page 1, lines 67-80); and a foldable frame (9), operative to support said flexible skin (12); where said flexible skin is attached to said foldable frame (figures 1 and 2); where said foldable frame (9) is unfoldable to a first position where said foldable frame supports said flexible skin (figures 1 and 2), surrounding at least a portion of the user's head and spaced from the head of the user (figures 1 and 2: page 1, lines 18-26); and where said foldable frame (9) is foldable to a second position where said foldable frame and said flexible skin are stowed at said second position, with said flexible skin clear of the user's head (page 1, lines 87-90).

30 (New). A hood according to claim 29, wherein said foldable frame (9) comprises two hinges (10, 11) for being positioned at respective sides of a wearer's head and one or more frame elements (9) connected between the two hinges (figures 2 and 3).

33 (New). A hood according to any one of claims 29-32, wherein said foldable frame comprises an "L" shaped member (figure 2), to allow the hood (12) to reach forward over the wearer's face when said foldable frame is in said first position (figures 1 and 2), and to enable the hood to lie flush against the back of the wearer when said foldable frame is in said second position (page 1, lines 87-90).

34 (New). A foldable frame for use in a hood (12) for protecting the head of a user, the hood having a flexible skin (12) for providing protection for the users head and said frame being operative to support the flexible skin (figures 1 and 2: page 1, lines 67-79);

said frame (9) comprising means for attachment for said flexible skin (figure 2);

said foldable frame (9) being un foldable to a first position where said foldable frame supports said flexible skin (figure 1 and 2), surrounding at least a portion of the user's head and spaced from the head of the user (page 1, lines 18-26);

and said foldable frame being foldable to a second position where said foldable frame and said flexible skin are stowed at said second position, with said flexible skin clear of the user's head (page 1, lines 87-90).

36 (New). A foldable frame according to claim 34, wherein said first position comprises said foldable frame, when the user is wearing the garment, supporting the flexible skin to protect the top, sides and rear of the user's head;

and wherein said second position comprises said foldable frame and the flexible skin being disposed behind the collar on the back of the garment (figures 1 and 2: page 1, lines 87-90).

37 (New). A foldable frame, according to any one of claims 34 through 36, comprising an "L" shaped member, to allow the hood to reach forward over the wearer's face when said foldable frame is in said first position, and to enable the hood to lie flush against the back of the wearer when said foldable frame is in said second position (figures 1 and 2: page 1, lines 87-90).

39 (New). A foldable frame, according to claim 34, wherein said one or more frame members (9, 9) comprise two or more substantially flexible frame members (9, 9), a first substantially flexible frame member (9) being pivot able about said hinges (13, 13), said first substantially flexible frame member comprising first and second pivots (10, 11) on either side thereof, and second and subsequent substantially flexible frame members being affixed at their ends to pivot about the first and second pivots (figures 1-3).

5. Claims 29-32, 34, 35 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes-Mahone (US 1,092,794).

Hughes-Mahone teaches the following:

29 (New). A hood for protecting the head of a user, said hood comprising: a flexible skin for providing protection for the user's head (page 1, lines 8-16); and a foldable frame, operative to support said flexible skin; where said flexible skin is attached to said foldable frame; where said foldable frame is unfoldable to a first position where said foldable frame supports said flexible skin, surrounding at least a portion of the user's head and spaced from the head of the user (figure 1: page 1, lines 8-16); and where said foldable frame is foldable to a second position where said foldable frame and said flexible skin are stowed at said second position, with said flexible skin clear of the user's head (figures 5).

30 (New). A hood according to claim 29, wherein said foldable frame comprises two hinges (see connection of identifier 1) for being positioned at respective sides of a wearer's head and one or more frame elements connected between the two hinges (figure 1, 3 and 5).

31 (New). A hood according to claim 30, wherein said foldable frame comprises one or more frame elements (1) able to be twisted upon themselves (6) for the foldable frame to be looped upon itself (figures 1, 3 and 5).

32 (New). A hood, according to claim 31, wherein said one or more substantially flexible frame members comprise two or more substantially flexible frame members (1), a first substantially flexible frame member (1) being pivotal about said hinges (see connection of identifier 1), said first substantially flexible frame member comprising first and second pivots (2) on either side thereof, and second and subsequent substantially flexible frame members being affixed at their ends to pivot about the first and second pivots (see figures 1, 3 and 5).

34 (New). A foldable frame for use in a hood for protecting the head of a user, the hood having a flexible skin for providing protection for the users head and said frame being operative to support the flexible skin (page 1, lines 8-16);  
said frame comprising means for attachment for said flexible skin (page 1, lines 8-16);  
said foldable frame being un foldable to a first position where said foldable frame supports said flexible skin (page 1, lines 8-16), surrounding at least a portion of the user's head and spaced from the head of the user (figure 1);  
and said foldable frame being foldable to a second position where said foldable frame

and said flexible skin are stowed at said second position, with said flexible skin clear of the user's head (figure 5: page 1, lines 88-89).

35 (New). A foldable frame according to claim 34, comprising one or more substantially flexible members (1), said one or more substantially flexible members being able to be twisted upon themselves from the first position (1, 6, 1, 6), where the foldable frame is in a first stable configuration and extended (figure 3), to the second position, where the foldable frame assumes a second stable configuration where the foldable frame is looped upon itself (figure 5).

38 (New). A head cover comprising: a fabric cover for extending over and above the wearer's head (page 1, lines 8-16); a frame comprising two support members (2) for being connected to respective sides of said wearer's head and a rib (1, 6, 6, 1) having ends connected to the support members (2) and operable for extending over said wearer's head above the hair and supporting the fabric cover (figures 1 and 3); said rib (1, 6, 6, 1) also being operable for being looped back upon itself and twisted for the frame to assume a more compact configuration for storage (figures 5).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and can be found cited in PTO-892 form submitted herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alissa L. Hoey/  
Primary Examiner, Art Unit 3765